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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR-05 00651 CW
)	
12 Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING MOTIONS HEARING
13 vs.)	DATE; REQUEST FOR SETTLEMENT
)	CONFERENCE REFERRAL
14 MICHAEL DOWNEY, et al.,)	
)	
15)	
Defendants.)	
16		

17 This multi-defendant case comprises charges of conspiracy, access device fraud and
18 identity theft. The defendants are preparing to file a number of motions on March 27, 2006,
19 including motions to suppress physical evidence and statements, and a facial challenge to 18
20 U.S.C. § 1028A. The Court presently is scheduled to hear these motions on April 17, 2006. The
21 parties also have been involved in negotiations to resolve this matter short of trial, and have
22 made some progress. The parties feel, however, that a referral to a settlement conference will
23 assist in achieving a final resolution.

24 AUSA Kirstin Ault is scheduled to begin a 2-week trial on March 20, 2006, and will be
25 unable to participate in a settlement conference until trial is concluded. Defense counsel are
26

1 prepared to file the motions under the present briefing schedule, namely by March 27, 2006. To
 2 accommodate the government's trial schedule and to place this matter in the best possible
 3 posture for settlement, the parties believe that the government should be afforded additional time
 4 to respond to the motions, and that the motions hearing be continued until after the settlement
 5 conference has taken place. The parties anticipate setting the settlement conference for a date
 6 during the weeks of April 3, 2006 or April 10, 2006.

7 It is therefore STIPULATED AND AGREED that defendants will file their motions by
 8 March 27, 2006, in conformity with the existing briefing schedule. The government shall file its
 9 opposition briefs by April 24, 2006, and the defendants shall file any reply briefs by May 2,
 10 2006. The motions shall be heard on May 15, 2006. Time under the Speedy Trial Act shall be
 11 excluded until May 15, 2006 due to the pendency of the motions. 18 U.S.C. § 3161(h)(1)(F).

12 /S/

13 Dated: 3/15/06

 KIRSTIN AULT
 Assistant United States Attorney

15 /S/

16 Dated: 3/16/06

 SHANA KEATING
 Attorney for Kim Drago

17 /S/

18 Dated: 3/16/06

 RANDALL KNOX
 Attorney for Christopher Johnson

20 /S/

21 Dated: 3/16/06

 EUGENE ILLOVSKY
 Attorney for Tiffany Taylor

22 /S/

23 Dated: 3/15/06

 DAVID SHAPIRO
 Attorney for John Morgan

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/S/

Dated: 3/16/06
JEROME E. MATTHEWS
Assistant Federal Public Defender
Attorney for Michael Downey

I hereby attest that I have on file all holograph signatures for any signitures indicated by a
“conformed” signature (/S/) within this efiled document.

Good cause appearing therefor, IT IS ORDERED that the briefing schedule be modified
as set forth in the foregoing stipulation, and that the motions hearing date be continued until
May 15, 2006. Time under the Speedy Trial Act is excluded until May 15, 2006, given the
pendency of the motions. A settlement conference referral shall issue under separate order.

Dated: 3/23/06


CLAUDIA WILKEN
United States District Judge